GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)

RB/ESTT No. 210/2005

No.E(NG)I-2004/RE-3/9 **New Delhi, dated 7-12-2005.**

The General Managers(P)
All Indian Railways & Production Units,
(As per standard list.)

Sub:- **The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995- Absorption of disabled/ medically decategorised staff in alternative employment – Amendment to IREM.**

In terms of Para 1303(a) as modified vide ACS No.148 issued under this Ministry's letter No.E(NG)1-2001/RE-3/8 dt.1-7-2003 a Railway servant who has been declared totally incapacitated not fit for any alternative post even in the lowest medical category, should be declared invalidated and retired from service as per procedure in force prior to coming into force of revised procedure laid down in ACS No.77 issued under the Ministry's letter No. E(NG)I-96/ RE-3/9(2) dt. 29-4-99

2. The matter has been reviewed further in consultation with the Ministry of Social Justice and Empowerment and the Ministry of Law and Justice (Department of Legal Affairs). It has been clarified that in view of the judgment of the Hon'ble Supreme Court in Kunal Singh Vs Union of India, JT 2003(2) SC 132 the provisions of Section 47(1) of the Persons with Disabilities(Equal Opportunities, Protection of Rights and Full Participation) Act 1995 are to be complied with even in respect of those who have been declared totally incapacitated.

3. The Ministry of Railways have accordingly decided that the provision of Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 will apply to medically decategorised Railway servants who are declared totally incapacitated for further service even in the lowest medically category.

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7.12.2005

4. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

5. The Indian Railway Establishment Manual Vol. 1, 1989 should also be amended as in the Advance Correction Slip No.**179** enclosed.

Please acknowledge receipt.

(J.S.Gusain)
Director Estt.(N)
Railway Board

Encl: As above